

# PATENT COOPERATION TREATY

Light Surf  
6783. P005 PCT  
JAS

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
PAUL L. HICKMAN  
PERKINS COIE LLP  
101 JEFFERSON DRIVE  
MENLO PARK, CA 94025-1114

## PCT

### WRITTEN OPINION

(PCT Rule 66)

NO DOCKETING REQUIRED  
PCT N.A.

Applicant's or agent's file reference 60276-3000430		Date of Mailing (day/month/year) <b>18 JAN 2005</b>
International application No. PCT/US01/06537		REPLY DUE within 2 months/days from the above date of mailing
International filing date (day/month/year) 28 February 2001 (28.02.2001)	Priority date (day/month/year) 13 September 2000 (13.09.2000)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G06F 15/16, 177 and US Cl.: 709/202, 220, 222		
Applicant LIGHTSURF TECHNOLOGIES, INC		

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.
 

**When?** See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

**How?** By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

**Also** For an additional opportunity to submit amendments, see Rule 66.4.  
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.  
For an informal communication with the examiner, see Rule 66.6

**If no reply is filed**, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 13 January 2003 (13.01.2003)

Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Jack Harvey <i>for</i> <i>James R. Matthews</i> Telephone No. 703-305-3800
---	---

# WRITTEN OPINION

International application No.

PCT/US01/06537

## I. Basis of the opinion

1. With regard to the **elements** of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:
  - pages 1-41, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the claims:
  - pages 42-48, as originally filed
  - pages NONE, as amended (together with any statement) under Article 19
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the drawings:
  - pages 1-6, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:
  - pages NONE, as originally filed
  - pages NONE, filed with the demand
  - pages NONE, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.  
PCT/US01/06537

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>7-8, 49-50</u>	YES
	Claims <u>1-6 and 9-48</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-50</u>	NO
Industrial Applicability (IA)	Claims <u>1-50</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**TIME LIMIT:**

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

**V. 2. Citations and Explanations:**

Claims 1-6 and 9-48 lack novelty under PCT Article 33(2) as being anticipated by Boutcher (US Pat No: 5915112 A).

With regards to independent claim 1, Boutcher teaches a design that has computers (devices) connected in a network and hence they are connected together (column 2, lines 59-60, Boutcher). In addition, Boutcher discloses that program products (executable files) are transmittable from one computer to another for processing (column 3, lines 35-52, Boutcher), where the program product is executable on both computers (column 3, lines 35-52, Boutcher).

With regards to independent claim 41, Boutcher teaches a design that has computers (devices) connected in a network and hence they are connected together (column 2, lines 59-60, Boutcher). They are connected in a manner allowing additional information such as interface and protocol information is obtainable (column 10, line 21, Boutcher). In addition, Boutcher discloses that program products (executable files) are transmittable from one computer to another for processing (column 3, lines 35-52, Boutcher), where the program product is executable on both computers (column 3, lines 35-52, Boutcher).

With regards to claims 2-6, 9-40 and 42-48, Boutcher discloses a design with features and steps that are equivalent to those claimed. For instance, Boutcher's design allows mapping to occur between the first computer (first device) and the second computer (second device) (column 3, lines 42-51, Boutcher). Such a connection allows the one computer to control operations on another. Boutcher also discloses that the network in the design is set to no particular configuration (column 4, lines 43-44, Boutcher). In addition, Boutcher discloses that various network protocols can be applied (column 5, lines 15-19, Boutcher). Hence, wired and wireless connections between computers (devices) are possible in Boutcher's design. Plus any form of data transferring link is also thus possible between devices within Boutcher's design. No limitation is placed on the type of computer language that is usable; hence JAVA and XML are acceptable languages for Boutcher's design. Furthermore, Boutcher goes on to state that modifications to the design are acceptable (column 13, lines 42-50, Boutcher). Plus, the design allows for various hardware and components to be added to the computers (devices) (column 4, lines 59-67, Boutcher), this includes digital cameras and handheld devices.

Claims 7-8 and 49-50 lack an inventive step under PCT Article 33(3) as being obvious over Boutcher in view of Shaughnessy et al (US Pat No: 5928325 A), hereafter referred to as Shaughnessy.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Boutcher's design allows the first computer (device) to have additional devices attached to it; this means a digital camera can be attached (column 4, lines 60-67, Boutcher). Furthermore, Boutcher's design allows for data (program product) to be transferred from a first computer (first device) to a second computer (second device) (column 3, lines 35-52, Boutcher). However, Boutcher does not disclose the wireless transfer of an image.

In the same field of endeavor, Shaughnessy teaches a design that allows for the transmission of digital images (column 4, lines 26, Shaughnessy). In addition, Shaughnessy teaches how wireless communication resources such as cell phones are able to transmit and receive the digital images in the design (column 4, lines 23-29, Shaughnessy). Furthermore, a figure in Shaughnessy's design illustrates how the design allows the image to be transferred wirelessly from a phone to a portable wireless terminal (third device) (Figure 1, Shaughnessy).

Hence, Shaughnessy teaches a method to transfer digital images wirelessly (even to a third device) and Boutcher teaches a way to perform operations from one device (first computer) that can have additional devices attached to it (such as a digital camera) on another device (second computer). It would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Boutcher with those of Shaughnessy, to create a method where after transferring said image information from said digital camera device to said second device, wirelessly transmitting said image information to a third device, for requesting a remote procedure to be executed by a server computer process external to the client computer process (column 2, lines 45-47, Boutcher).

## ----- NEW CITATIONS -----

US 5915112 A (Boutcher) June 22, 1999, see column 2, lines 57-60; column 3, lines 35-52; column 4, lines 59-67.

US 5928325 A (Shaughnessy et al) July 27, 1999, see column 4, line 26.